THE HON'LE SRI JUSTICE R.SUBHASH REDDY

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WRIT PETITION No. 3123 of 2006

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Dated: 03.03.2006

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Between:

St.Adams Educational Society,

Regd.No.1115/2001, H.No.6-3-117/A/16,

B.S.Maktha, Kundan Bagh, Begumpet,

Hyderabad 500 016,

Represented by its Secretary Ms.Nafees Banu and others.

… **PETITIONERS**

And:

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Osmania University, Rep., by its Registrar, Hyderabad

and others.

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… RESPONDENTS

ORDER:

The petitioners, aggrieved by the proceedings No.380/H-New-B.Ed/2005-2006/Acad/IV-2, dated 14.2.2006 issued by the Osmania University, Hyderabad directing the first petitioner to obtain Government permission and then approach the University for grant of provisional affiliation for the academic year 2005-06, have filed this writ petition assailing the said proceedings and for a direction to the first respondent to grant affiliation to the 2nd petitioner-institution for the academic year

2005-06 and for all future years without insisting upon the approval from the 2nd respondent.

The facts, as stated in brief, are that the first petitioner is a Society registered under the provisions of the A.P. (Telangana Area) Public Societies Registration Act, 1350 Fasli and established for the purpose of promoting education for the benefit of Muslim Minority Community. In that direction, it proposed to start the 2nd petitioner-institution. Accordingly, the first petitioner approached the 3rd respondent – National Council for Teacher Education, Southern Regional Committee, (for short NCTE), with an application for grant of recognition, which was granted by 3rd respondent after satisfying itself as to the requirements for such recognition. After obtaining the recognition from the 3rd respondent-NCTE, the first petitioner approached the 1st respondent-University for grant of affiliation to the 2nd petitioner-institution. But, the first respondent-University issued the proceedings impugned in this writ petition directing the first petitioner to obtain Government permission and then approach the University for grant of such affiliation. Hence, the petitioners are before this Court.

Heard the learned counsel for the petitioners and the learned Standing Counsel for the first respondent-University.

Learned counsel for the petitioners submitted that Section 14(6) of the National Council for Teacher Education Act, 1993 provides for grant of affiliation after obtaining recognition from the NCTE and the same is mandatory in nature and the University cannot reject the application of the petitioners for grant of affiliation on the ground of obtaining of permission from the Government, when once recognition was granted to the petitioners by the NCTE. In support of his contention, he relied upon an unreported decision of this court dated 13.4.2005 rendered in W.P.No. 7878 of 2005. He says that the said decision has become final.

A learned Single Judge of this Court, in W.P.No. 7878 of 2005 considering the rival contentions advanced by the parties in the said case and having regard to the facts and circumstances of the case and particularly in view of the fact that the applications of the petitioners were not rejected but were merely returned by the University, held that the permission directed to be obtained from the Government by the petitioners therein is unwarranted and while setting aside the orders impugned therein, directed the respondent-University to reconsider the request of the

petitioners for grant of affiliation and to pass appropriate orders afresh.

In the case on hand also, the first petitioner after obtaining recognition from the NCTE approached the first respondent-University for grant of affiliation to the 2nd petitioner-institution, but the application of the first petitioner was returned by the respondent-University with a direction to obtain permission from the Government and then approach the respondent-University for grant of its affiliation. Therefore, following the decision of this court in W.P.No. 7878 of 2005 dated 13.4.2006, the orders impugned herein are set aside with a direction to the first respondent-University to reconsider the application of the petitioner afresh for grant of its affiliation to the 2nd petitioner-institution de hors the permission from the Government and pass appropriate orders within a period of two weeks from the date of the receipt of a copy of this order.

The writ petition, with the above directions, is disposed of. No costs.

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3006. **(R.SUBHASH REDDY, J.)**

Sh/VR

Note:

Furnish cc by 6.3.2006.

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